

UNIFIED DEVELOPMENT CODE
ADMINISTRATIVE POLICIES
GUIDE

The UDC Administrative Policies Guide has been prepared to provide guidance to staff and the public for provisions within the UDC that require additional clarification. The policies found herein are those presently in use. It should be noted that as time passes and the UDC is modified that the policies herein may change.

Should you have any questions concerning the policies in the manual please contact the following:

Zoning Questions - John Jacks (210) 207-7206

Subdivision & Platting – Edward Guzman (210) 207-7892

Permitting & Inspections – George Perez (210) 207-8314

Landscaping – Debbie Reid (210) 207-8053

Subdivision Engineering - Robert Optiz (210) 207-7587

Traffic Design – Richard De La Cruz (210) 207-2855

General UDC Interpretation – Bill Telford (210) 207-7879

**UNIFIED DEVELOPMENT CODE
ADMINISTRATIVE POLICIES
GUIDE**

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UNIFIED DEVELOPMENT CODE ADMINISTRATIVE POLICIES GUIDE

Introduction

The following guide contains administrative policies that are used to assist in the administration of the May 3, 2001 Unified Development Code. The administrative policies are issued to provide clarity and consistency of direction in implementing the UDC. The policies are based on the findings of the Director of Development Services as permitted by the UDC and the legal opinion and advice of the City Attorney's Office.

It should be noted that the administrative policies are subject to reinterpretation based on the specific application of a policy to a given issue, changes in state law, judicial determinations and adoption of UDC amendments by the City Council. As such it is recommended that prior to relying on the following guide that the applicant or reader verify with the Development Services Department contact personnel the status of the policy and if there has been any changes to it.

Contact Personnel

Zoning Policies - John Jacks, (210) 207-7206

Plating & Subdivisions Processing Policies - Edward Guzman (210) 207-7892

Subdivision Design, Traffic and Review Policies - Robert Optiz (210) 207-7587

Permitting & Inspections - ???

Landscape & Trees - Debbie Reid (210) 207-8053

Development Services Department contact addresses

Postal: 1901 South Alamo
San Antonio, Texas 78204

Fax: (210) 207-3315

Web: WWW.sanantonio.gov/dsd/

**CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT
INTERDEPARTMENTAL CORRESPONDENCE**

DIVISION: Zoning & Plating

POLICY: ZP-001

SUBJECT: Sidewalk Variances

INQUIRY DATE: March 8, 2001

POLICY BECOMES EFFECTIVE: Immediately

ISSUE:

The May 3, 2001 Unified Development Code (UDC) does not provide specifically for sidewalk variances as the former UDC did. This is a problem recently noted by staff and has been emphasized by applicants seeking building permits who wish to submit an application for a sidewalk variance.

FINDING:

The City Attorneys Office (Tom Shute) has advised that since the new UDC does not indicate that the old sidewalk variance procedure was deleted or provide a new sidewalk variance procedure in place of the former procedure that the 2000 UDC sidewalk variance process is still applicable. This interpretation is based on a provision in the 2001 UDC adoption ordinance providing for inadvertent omissions.

POLICY:

Based on the City Attorney Office's finding staff shall continue to apply the 2000 UDC sidewalk variance process.

This administrative directive becomes effective

APPROVED BY: 

**CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT
INTERDEPARTMENTAL CORRESPONDENCE**

DIVISION: Zoning & Plating

POLICY: ZP - 002

SUBJECT: Zoning Conversion

INQUIRY DATE: March 8, 2001

POLICY BECOMES EFFECTIVE: Immediately

ISSUE:

Questions relative to the following provision of Appendix D – Zoning Conversion Matrix have been raised by staff. This directive is issued to clarify the various issues.

FINDING:

The UDC provides the following:

**Appendix D
Zoning District Conversion Table**

(c) Non-conforming Rights

Land uses legally existing as of the effective date of this Chapter which do not conform with the uses permitted in the new district to which they have been placed shall have non-conforming rights pursuant to Article VII, Division 1 of this Chapter. Existing uses meeting this criteria shall be eligible to obtain building permits for rebuilding and expansion if said use was legally operating within the past twelve months at the time of application for said permit. If the use has been discontinued for twelve consecutive months following the adoption of this chapter the owner of said property may:

- (1) Apply for a certificate of occupancy and/or building permit as required by this chapter for one of the permitted uses granted by the zoning districts established by this Chapter (see Article 3, § 35-311), or*
- (2) Submit a request for reinstatement of non-conforming rights where the enforcement of this Chapter would result in unnecessary hardship, and*

where the spirit of this Chapter is observed and substantial justice is done; or

- (3) *Submit an application for rezoning to another zoning district.*

POLICY:

Scenarios below reference property that meet the criteria of (c), (1), (2) and/or (3) above.

1. The owner may expand an existing building and may utilize the provisions of the 1965 UDC standards for yards and setbacks.
2. The owner may add additional pad sites on an eligible property and may utilize the provisions of the 1965 UDC standards for yards and setbacks.
3. The owner may add property that was not covered by a 1938 zoning district to a site that had 1938 zoning but improvements on the added portion of the property must meet all regulations of the 2001 UDC including but not limited to the use tables, setbacks limits and yard requirements.
4. Owners of vacant property may reserve the right to establish a single 1938 use in accordance with the setbacks and lot standards of the 1965 UDC.
5. On reverse frontage lots the owner may declare which street contains the front yard.
6. The front entry of a building does not have to face the front yard and may be on the side or rear of the building as it is oriented to the street.
7. Since state law does not recognize zoning as a vested right, a property meeting "item 6" above may develop the project for uses allowed in the 2002 UDC and/or may include one single 1938 zoning use in addition to the allowed 2002 UDC uses.
8. Based on an owner's rights, as provided under state law, owners that can demonstrate they have vested rights for a development meeting the setback and lot standards of the 1965 UDC will be allowed to continue the development of their property.
9. The owner may demolish the improvements on a site for which 1938 vested rights under this provision have been approved and rebuild a new building to the 1965 UDC lot and setback standards.

As an additional note the term "non-conforming rights" as used in the title of (c) above is to be changed by amendment of the UDC to "*Development Preservation Rights or*" *DPR*". The purpose of the name change is to eliminate confusion between the term non-

conforming right in relation to the conversion process as opposed to non-conforming rights provided by the UDC in general.

APPROVED BY: *Flora J. J. J.*

**CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT
INTERDEPARTMENTAL CORRESPONDENCE**

DIVISION: Zoning & Plating

POLICY: ZP-003

SUBJECT: Manufactured Housing Location

INQUIRY DATE: Aug. 13, 2001

POLICY BECOMES EFFECTIVE: Immediately

ISSUE:

The May 3, 2001 Unified Development Code (UDC) was adopted containing a discrepancy pertaining to the permitted location of manufactured homes. The "Matrix of Permitted Uses" on Page 3-50 of the UDC indicates manufactured homes are allowed in "R-4" & "RM-4" districts while UDC Section 35-354, Page 3-141 indicates that manufactured homes require a special district designation of "MH".

FINDING:

The discrepancy has been presented to the UDC Technical Advisory Committee with the following arguments-

1. The textual description, Section 35-354 Page 3-141, defining areas in which manufactured homes may be located takes legal precedent over illustrations contained in the Matrix of Permitted Uses on Page 3-50 of the UDC.
2. The intent of stakeholders and the author was to limit manufactured homes to areas which were zoned "MH" under the special districts provisions of the UDC.

The TAC Committee voted in favor of a UDC amendment deleting manufactured homes as a permitted use from "R-4" & "RM4" districts. The recommendation of the TAC will be forwarded to the City Council through the Zoning Commission for consideration.

In addition, the City Attorney's Office has advised the Department of Development Services that it concurs with Item 1 above and that written text preempts information contained within the matrix of permitted uses.

POLICY:

Based on the "Findings", manufactured homes are to be deleted from the "R-4" & "RM-4" districts in the Matrix of Permitted Uses in the 2001 code. Zoning staff shall advise all customers that manufactured homes, whether on a single lot or a subdivision, are only permitted in "MH" Manufactured Housing districts in the 2001 code & "R-4" in the 1965 code. In addition, no building or other permits shall be issued for manufactured homes unless the property is zoned "MH" Manufactured Housing district in the 2001 code or "R-4" in the 1965 code.

APPROVED BY:

A handwritten signature in cursive script, appearing to read "Florence J. Smith", written over a horizontal line.

**CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT
INTERDEPARTMENTAL CORRESPONDENCE**

DIVISION: Zoning & Plating

POLICY: ZP-004

SUBJECT: Calculation of park and open space requirements within a PUD

INQUIRY DATE: Sept 12, 2001

POLICY BECOMES EFFECTIVE: Immediately

ISSUE:

The former UDC (pre May 3, 2001) allowed all impervious cover to be credited as open space within a PUD. The new UDC (May 3, 2001) does not include all impervious areas in the open space calculation. This apparent change requires clarification for staff to be able to properly review PUD Plans.

FINDINGS:

The following provisions address the issue of Parks/Open space within a PUD.

Page 3-106

35-344 Planned Unit Development Districts (PUDs)

(a) Parks/Open space

Each PUD plan shall provide for a minimum amount of parks/open space as required by subsection (1) below. Parks/Open Space shall include yards and any Parks/Open Space areas, which conform to the Parks/Open Space Standards (§ 35-503) of this Chapter. (provides that yards and parks/open space may be used in the meeting the required amount of space if such facilities conform to certain provisions of Article 5 Section 503.)

Page 5-10 delineates the conditions for which yards and par/open space areas may be used to meet the calculated requirement as follows:

Section 35-503 Parks/Open Space Standards

**CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT
INTERDEPARTMENTAL CORRESPONDENCE**

DIVISION: Zoning & Plating

POLICY: ZP-005

SUBJECT: Location of "Swimming Pool and/or Water Feature" Servicing Companies.

INQUIRY DATE: March 4, 2002

POLICY BECOMES EFFECTIVE: Immediately

ISSUE:

The May 3, 2001 Unified Development Code (UDC) does not provide for the location of "swimming pool and/or water feature service companies" (swimming or ornamental).

FINDING:

Review of the UDC Non-Residential Use Matrix located in Article 3 and finds one use that may be considered similar to that of Swimming Pool and/or Water Feature" Servicing Companies.

TABLE 311-2 NON-RESIDENTIAL USE MATRIX												
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZ
Service	Janitorial / Cleaning Service					P	P	P	P	P		S
												2452

The use being a service use with limited walk-in retail traffic for chemicals and supplies I find that Swimming pool and/or water feature service companies would be appropriate as a permitted use in "L" zoning districts and as conditional uses in "C-3" zoning districts. I am requesting a recommendation from SAWS as to whether such a use should be permitted over the ERZD.

POLICY:

Based on the above, I am issuing an administrative finding that “swimming and/or water feature service companies” are permitted by right in “L” zoning districts and by conditional use in “C-3” zoning districts.

TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZ	(LBC S
Service	Swimming and/or water feature service companies (no outside storage of product, supplies or equipment in “C-3” zoning districts)						S		P				2452

APPROVED BY:



**CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT
INTERDEPARTMENTAL CORRESPONDENCE**

DIVISION: Zoning & Plating

POLICY: ZP-006

SUBJECT: "Lube Centers" as accessory uses to auto dealerships

INQUIRY DATE: July 15, 2002

POLICY BECOMES EFFECTIVE: Immediately

ISSUE:

The question of whether "Lube Centers" were considered accessory uses to auto dealerships has been raised by an applicant (Mr. Robert Jackson, Partner for The Dodge Superstore) for a building permit.

FINDING:

Auto dealerships for and extended period of time (in excess of 50 years) have provided oil changes for their auto purchasing customers and the general public. The service so provided has been either within the primary building of the dealership or in some cases an auxiliary building.

POLICY:

The determination of eligibility for consideration of a "Lube Center" shall be on an individual case basis under the following considerations -

1. The "Lube Center" shall be on the same platted lot as the primary structure for the dealership.
2. The operation and ownership of the "Lube Center" shall be the same as the dealership.
3. Should the owners of the dealership ever plat the lube center on a separate lot or sell or lease it to a second entity for operation other than as an integral part of the dealership's services then rezoning to "C-2", "C-3" or "L" would be required prior to receiving a new certificate of occupancy.

APPROVED BY: 

**CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT
INTERDEPARTMENTAL CORRESPONDENCE**

DIVISION: Zoning & Plating

POLICY: ZP-007

SUBJECT: Zoning Interpretation for Shopping Center and Regional Mall Uses

INQUIRY DATE: July 15, 2002

POLICY BECOMES EFFECTIVE: Immediately

ISSUE:

A reoccurring problem relative to the current "Table of Permitted Uses" is the literal application of the permitted use matrix to "existing legal conforming" shopping centers and regional malls when applying for finish out building permits or certificates of occupancy.

FINDING:

Some shopping centers and regional malls previously zoned under 1938 zoning districts were converted to one of the new industrial districts. The same conditions exist for properties converted from "B-2" and "B-3" to "C-2" and "C-3" zoning districts.

The unforeseen impact was that the conversion did not permit some of the commercial and retail uses previously allowed in former zoning districts under which the shopping centers and regional malls operated. The problem becomes apparent when an existing shopping center or regional mall attempts to lease or remodel space.

As a result, the centers and malls are faced with undergoing the expense and time of a zoning change to "C-2" or "C-3". It was not the City's nor the UDC stakeholder participants' intent to disallow uses formerly included in shopping centers and/or regional malls nor to require individual property owners to have to rezone under such circumstances.

POLICY:

Shopping centers and regional malls are a "use" in themselves and include a range of sub-uses. The stakeholders at no time in the UDC review and adoption process raise the

question of eliminating previously allowed uses from shopping centers and/or regional malls. Based on the opinion that this is an inadvertent oversight and not a deliberate omission interior finish out permits and certificates of occupancy may be approved under the UDC provision that allow the Director of Development Services to assess what district a use may go into if not addressed properly in the Table of Permitted Uses.

This administrative policy shall be applicable for shopping centers or regional malls that obtained their first development permit prior to February 4, 2002 and entitle such facilities to include all uses previously allowed prior to February 4, 2002. Should the shopping center and/or regional mall undergo a zoning reclassification by public hearing after February 4, 2002 this policy would not be applicable.

APPROVED BY:



**CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT
INTERDEPARTMENTAL CORRESPONDENCE**

DIVISION: Zoning & Plating

POLICY: ZP-008

SUBJECT: Multiple tenant shopping malls and strip centers

INQUIRY DATE: August 2, 2002

POLICY BECOMES EFFECTIVE: Immediately

ISSUE:

There have been requests for building permits and certificate of occupancy for multiple tenant shopping malls and retail strip centers in existence or under development on or before February 3, 2002. Due to the conversion process some of these centers were rezoned in such a manner as to prohibit the uses which they were previously allowed to contain. An example of this would be properties previously zoned under the 1938 classifications of "I", "II", "J", "JJ", "K" & "KK" which were converted to "I-1". The "I-1" zoning classification does not allow many of the retail uses in "B-2" and "B-3" that were previously allowed.

FINDING:

The rights of preserving the uses in question are addressed by the following:

Appendix D.

(g) Appendix D Non-conforming Rights

Land uses legally existing as of the effective date of this Chapter which do not conform with the uses permitted in the new district to which they have been placed shall have non-conforming rights pursuant to Article VII, Division 1 of this Chapter. Existing uses meeting this criteria shall be eligible to obtain building permits for rebuilding and expansion if said use was legally operating within the past twelve months at the time of application for said permit. If the use has been discontinued for twelve consecutive months following the adoption of this chapter the owner of said property may:

**CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT
INTERDEPARTMENTAL CORRESPONDENCE**

DIVISION: Zoning & Plating

POLICY: ZP-009

SUBJECT: Preservation of land use rights for existing uses prior to February 4, 2002

INQUIRY DATE: August 2, 2002

POLICY BECOMES EFFECTIVE: Immediately

ISSUE:

The city is receiving inquiries relative to land uses existing prior to February 4, 2002 that due to the zoning conversion process are no longer applicable in certain zoning districts.

FINDING:

the Unified Development Code addresses this issue as follows:

Appendix D Zoning Conversion Matrix (c)

"Land uses legally existing as of the effective date of this Chapter which do not conform with the uses permitted in the new district to which they have been placed shall have non-conforming rights pursuant to Article VII, Division 1 of this Chapter. Existing uses meeting this criteria shall be eligible to obtain building permits for rebuilding and expansion if said use was legally operating within the past twelve months at the time of application for said permit."

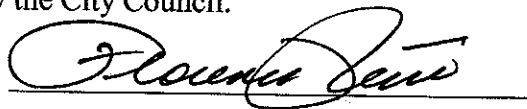
POLICY:

This finding is clear that if a property had a legally existing use at the time of the conversion to the 2001 zoning districts on February 4, 2002 that is no longer permitted under the new zoning district that the property continues certain rights. These rights include:

1. The right to expand the use and buildings on the property.
2. The right to rebuild the facilities on the property even if totally destroyed or damaged.

3. The right of option of the property owner to rebuild under the former 2000 Unified Development Code (UDC) and/or the new 2001 Unified Development Code (UDC) regulations.
4. The rights granted by this provision remain with the land and have no time limits for expiration.
5. The property requires no registration of such rights. At the time of requesting a building permit or certificate of occupancy the owner shall provide evidence that the use was legally in operation on the property at some period during the 12 months previous to February 4, 2002.
6. The loss or expiration of the above rights occurs only if the property owner or the city initiates a zoning case on the property for a change in zoning which is approved during a public hearing process as specified within the UDC and state statutes by the City Council.

APPROVED BY:



**CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT
INTERDEPARTMENTAL CORRESPONDENCE**

DIVISION: Zoning & Plating

POLICY: ZP-010

SUBJECT: Multiple tenant shopping malls and strip centers

INQUIRY DATE: August 2, 2002

POLICY BECOMES EFFECTIVE: Immediately

ISSUE:

There have been requests for building permits and certificate of occupancy for multiple tenant shopping malls and retail strip centers in existence or under development on or before February 3, 2002. Due to the conversion process some of these centers were rezoned in such a manner as to prohibit the uses which they were previously allowed to contain. An example of this would be properties previously zoned under the 1938 classifications of "I", "II", "J", "JJ", "K" & "KK" which were converted to "I-1". The "I-1" zoning classification does not allow many of the retail uses in "B-2" and "B-3" that were previously allowed.

FINDING:

The rights of preserving the uses in question are addressed by the following:

Appendix D.

(h) Appendix D Non-conforming Rights

Land uses legally existing as of the effective date of this Chapter which do not conform with the uses permitted in the new district to which they have been placed shall have non-conforming rights pursuant to Article VII, Division 1 of this Chapter. Existing uses meeting this criteria shall be eligible to obtain building permits for rebuilding and expansion if said use was legally operating within the past twelve months at the time of application for said permit. If the use has been discontinued for twelve consecutive months following the adoption of this chapter the owner of said property may:

Uses meeting the criteria of Appendix D are allowed to continue to operate and may expand the facilities in question or rebuild them if they more than fifty percent destroyed or damaged. Properties owners shall not be required to register such uses but only to demonstrate at the time of requesting a building permit and/or certificate of occupancy that their properties met the provisions of Appendix D.

It is further determined by this office that the impact of the conversion process on multiple tenant facilities such as shopping malls and retail strip centers was not intentional on the part of the staff or stakeholders in the UDC development process.

POLICY:

"All" uses previously permitted under "B-2" and "B-3" zoning classifications in multiple tenant shopping malls and retail strip centers shall be eligible to receive building permits for rebuilding or expansion of said facilities as well as to receive certificates of occupancy so long as -

1. the use in question would have been allowed previously and had been lost solely due to the conversion on February 4, 2002
2. all health safety life codes are met and
3. the use is totally contained within the structure and does not significantly impact adjacent properties with obnoxious fumes, vibrations, sound and/or light.

APPROVED BY:



**CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT
INTERDEPARTMENTAL CORRESPONDENCE**

DIVISION: Zoning & Plating

POLICY: ZP-011

SUBJECT: Jewelry sales with onsite jewelry metal casting

INQUIRY DATE: September 12, 2002

POLICY BECOMES EFFECTIVE: Immediately

ISSUE:

A question has been brought forward as to whether a jewelry retailer operating under a "C-3" zoning district is permitted to have as an accessory use the casting of precious metals for jewelry pieces.

FINDING:

It is noted that jewelry casting for repair and the forming of individual pieces is a common use within jewelry sales and repair outlets. Normally such activities are limited in volume and involve a small centrifuge and casting equipment that handles a limited number of pieces at a time. Some stores will have multiple casting stations. The casting equipment is small in size, is totally self-contained, and is of an operational scale that does not encourage mass production of jewelry pieces. In addition, it is noted that dental offices and labs utilizing near identical type equipment are allowed in "C-3" zoning districts.

POLICY:

Limited metal casting in a jewelry store or studio within a "C-3" zoning district is an allowable use subject that the installation meets all requirements of current fire codes and environmental regulations. It is noted that this finding is for limited production and does not apply to uses that are casting in a high volume for wholesale and/or retail uses such as the production of large numbers of class rings, badges, etc. Large volume casting would have to be evaluated individually on their own merit to determine whether they would be required to have industrial zoning or a conditional use designation.

APPROVED BY: 